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endants' lease recognized the paramount rights of the plaintiff, plaintiff was entitled to the use of this property when it became necessary for ferry purposes.

[Ed. Note.—For other cases, see *Ferries*, Cent. Dig. §§ 38-40; Dec. Dig. § 16.* 6 Va.-W. Va. Enc. Dig. 30, 31; 9 Va.-W. Va. Enc. Dig. 159.]

2. Forcible Entry and Detainer (§ 8*)—Title to Support.—Under Code 1904, § 2716, providing that an action of unlawful detainer may be brought by one ousted from the possession of land to which he is entitled, no matter what his title may be, the lessees of a ferry landing demised to them by the county of Norfolk and the city of Portsmouth may maintain such an action, though their right be only a license or a privilege.

[Ed. Note.—For other cases, see *Forcible Entry and Detainer*, Cent. Dig. §§ 35, 36; Dec. Dig. § 8.* 6 Va.-W. Va. Enc. Dig. 163.]

3. Forcible Entry and Detainer (§ 18*)—Parties—Necessary Parties.—The city of Portsmouth and the county of Norfolk were jointly entitled to the use of a certain ferry landing, though the county had the legal title. Both united in a demise of this property, and their lessees brought an action of unlawful detainer against persons holding part of the landing adversely to them. Held, that it was unnecessary that the county of Norfolk be a party, for its title could not be affected, by judgment in favor of the lessee, to land which rightfully belonged to the lessee under the terms of the defense.

[Ed. Note.—For other cases, see *Forcible Entry and Detainer*, Cent. Dig. §§ 84-87; Dec. Dig. § 18.* 10 Va.-W. Va. Enc. Dig. 752.]

Error to Corporation Court of City of Norfolk.

Unlawful detainer by the Ferries Company against Consolvo & Cheshire. There was a judgment for plaintiff, and defendants bring error. Affirmed.

Edward R. Baird, Jr., for plaintiffs in error.

R. Randolph Hicks, for defendant in error

ARMINIUS CHEMICAL CO., Inc. v. WHITE'S ADM'X.

June 8, 1911.

[71 S. E. 637.]

1. Corporations (§ 507*)—Summons—Identity of Defendant.—"Arminius Chemical Company, Incorporated," was brought into court on summons served upon its authorized attorney, though directed to "Arminius Chemical Company;" there being but one company, the first mentioned, which succeeded the other.

[Ed. Note.—For other cases, see *Corporations*, Cent. Dig. §§ 1971-

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

2000; Dec. Dig. § 507.* 3 Va.-W. Va. Enc. Dig. 579; 12 Va.-W. Va. Enc. Dig. 1027.]

2. Process (§ 36*)—Return—Date.—A writ was not bad because returnable on the "third Monday in January," instead of the "third Monday in January next."

[Ed. Note.—For other cases, see Process, Cent. Dig. §§ 30, 31; Dec. Dig. § 36.* 12 Va.-W. Va. Enc. Dig. 1029.]

3. Master and Servant (§§ 278, 279*)—Injury to Miner—Evidence—Weight.—In an action for death of a miner while being hoisted in a shaft, caused by sudden application of a brake, evidence held insufficient to show negligence concerning safety of the hoisting machinery or selection of the hoistmen.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 954-980; Dec. Dig. §§ 278, 279.* 9 Va.-W. Va. Enc. Dig. 674, 681, 725.]

Error to Circuit Court, Louisa County.

Action by Richard S. White's administratrix against the Arminius Chemical Company, Incorporated. Judgment for plaintiff, and defendant brings error. Reversed, and new trial ordered.

Gordon & Gordon and P. H. C. Cabell, for plaintiff in error.
F. W. Sims, for defendant in error.

SECURITY BANK OF RICHMOND v. EQUITABLE LIFE ASSUR. SOCIETY OF THE UNITED STATES.

June 8, 1911.

[71 S. E. 647.]

1. Death (§ 2*)—Presumption.—The presumption that one who has left home and who has not been heard from for seven years is dead does not arise until the end of the seven years; but there is no presumption as to the particular time of death, nor that he was living at any particular time, within that period.

[Ed. Note.—For other cases, see Death, Cent. Dig. §§ 1-3; Dec. Dig. § 2.* 11 Va.-W. Va. Enc. Dig. 324.]

2. Insurance (§ 668*)—Life Policies—Preliminary Proofs of Death—Sufficiency—Determination.—In a suit on life policies, it is the duty of the court to determine in the first instance whether the preliminary proofs of death are satisfactory.

[Ed. Note.—For other cases, see Insurance, Cent. Dig. §§ 1732-1770; Dec. Dig. § 668.* 9 Va.-W. Va. Enc. Dig. 358.]

3. Insurance (§ 665*)—Life Policies—Proofs of Death—Sufficiency.—Provision for payment of life insurance on "satisfactory proof" of

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.